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15 **UNITED STATES DISTRICT COURT**
16 **NORTHERN DISTRICT OF CALIFORNIA**
17 **SAN FRANCISCO DIVISION**

18 MAXIMILIAN KLEIN, et al., on behalf of
19 themselves and all others similarly situated,

Case No. 3:20-cv-08570-JD

20 Plaintiffs,

**META PLATFORMS, INC.'S
ADMINISTRATIVE MOTION TO
WITHDRAW SEALED MATERIALS
SUBMITTED IN CONNECTION WITH
TERMINATED ADVERTISER MERITS
MOTIONS**

21 v.

22 META PLATFORMS, INC., a Delaware
23 Corporation,

24 Defendant.

Judge: Hon. James Donato

1 Pursuant to Civil Local Rules 7-11 and 79-5(g)(2), Defendant Meta Platforms, Inc.
 2 respectfully requests that the Court order withdrawn the materials submitted under seal on April
 3 5, 2024 in connection with Meta's motion for summary judgment on the claims raised by the
 4 Advertiser Plaintiffs, and Meta's and Advertiser Plaintiffs' motions to exclude merits-stage expert
 5 testimony. The purpose of this request is to avoid burdening the Court with the need to resolve
 6 sealing requests from the parties and multiple non-parties concerning these motions, which the
 7 Court stated were "stricken" or terminated without prejudice. Dkt. 789; April 18, 2024 Hr'g Tr. at
 8 3:21-5:4, 18:4-7. Meta proposed entering a stipulation to this effect covering all April 5, 2024
 9 filings with both sets of Plaintiffs. User Plaintiffs agreed, Dkt. 791, but Advertiser Plaintiffs did
 10 not, Vanderslice Decl. ¶ 4.

11 In connection with the motions in the Advertiser case, the parties provisionally filed under
 12 seal on April 5 certain materials containing the parties' and nearly a dozen non-parties' confidential
 13 or highly confidential information. Dkts. 752, 754, 756, 758, 760, 762, 774, 782. In accordance
 14 with the Court's order modifying sealing procedures applicable to this briefing, Dkt. 745, each
 15 sealed filing was accompanied by an interim administrative motion to seal indicating that the
 16 reasons for sealing would be discussed in later-filed omnibus sealing motions following the
 17 completion of briefing.

18 Civil Local Rule 75-9(g)(2) provides that the Court may resolve a motion to file materials
 19 under seal by "permit[ting] ... withdrawal" of "the information sought for sealing." In light of the
 20 Court's orders Meta respectfully submits that the appropriate resolution of the interim
 21 administrative motions to seal the materials at Dkts. 752, 754, 756, 758, 760, 762, 774, and 782 is
 22 for the Court to order that the sealed materials are deemed withdrawn. This is the most efficient
 23 resolution of the sealing issues raised by these filings and would avoid unnecessary and substantial
 24 briefing surrounding sealing requests related to motions that will never be decided by the Court.

25 This Court twice ordered the same result recently in similar contexts in *Broadcom Corp. v.*
 26 *Netflix Inc.*, No. 20-cv-4677-JD, Dkts. 646, 647 (N.D. Cal.). In that case, following Civil Local
 27 Rule 79-5(g)(2), this Court "ordered withdrawn" certain material subject to a "set of sealing
 28 motions" after the underlying substantive motion was "terminated without prejudice" and "the

1 Court did not rule on” it. 2024 WL 290037, at *1 (N.D. Cal. Jan. 31, 2024). The same
2 circumstances are present here and the same disposition is appropriate.

3 Alternatively, if the Court denies either this motion or Meta and the User Plaintiffs’
4 corresponding stipulation at Dkt. 791, Meta respectfully requests that the Court set a deadline of
5 August 26, 2024 for the submission of omnibus sealing motions covering the parties’ April 5, 2024
6 filings. There is currently no operative deadline for this filing. Pursuant to the Court’s order at Dkt.
7 745, omnibus sealing motions were due to be submitted “30 days after the last of” “the dispositive
8 motions briefing, merits *Daubert* briefing, and the joint submission for the merits concurrent expert
9 proceeding … is filed.” Dkt. 745. Given the continuation of the merits concurrent expert
10 proceeding to a later date, it is not yet clear when this deadline will be triggered. Meta’s proposed
11 deadline of August 26, 2024 would roughly track the timeline for the submission of omnibus
12 sealing motions concerning the forthcoming class certification-related briefing and will thus be
13 efficient for the parties and implicated non-parties, many of which are likely to make similar
14 sealing requests with respect to both sets of briefing.

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1 Dated: May 23, 2024

Respectfully submitted,

2 By: /s/ Sonal N. Mehta

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